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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,926	08/21/2001	David Grawrock	SYMA-01045US0MCF/GGG	8871
23910	7590	07/18/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/934,926	<b>Applicant(s)</b> GRAWROCK	
	<b>Examiner</b> Paul Callahan	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 33-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-49 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-3 and 33-49 are pending in this application and have been examined.

***Response to Arguments***

2. Applicant's arguments filed 4-25-06 have been fully considered but they are not persuasive.

The applicant argues in traverse of the rejection of the claims under 35 USC 102(b) as anticipated by Orita '147 by asserting a failure of Orita to teach remote retrieval of a data file as recited in the claimed invention. The Applicant asserts that the use of a workstation able to retrieve data files from a data storage unit that is external to the workstation does not constitute remote access. The Examiner counters that a reasonably broad interpretation of the term "remote" does encompass the system as taught by Orita (figure 1: elements 10 and 11, figure 3: element S11, col. 2 lines 53-62).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Orita, 5163147.

As for claim 1, Orita teaches a machine system for protecting access constrained information from unauthorized access by way of unauthorized users or unauthorized programs, said machine system comprising (abstract, col. 1 lines 5-10):

(a) data-providing means for providing data of an identified one of two or more digital data files, where each of said files is identifiable by a file name and where each of said files is stored and retrievable remotely (figure 1: elements 10,11, and 14, figure 3: element S11, col. 2 lines 53-62, col. 4 lines 46-68);

(b) an interceptable access mechanism through which data of an identified file of the data-providing means is accessed by identifiable, access-requesting programs and/or access-requesting users (abstract, col. 4 lines 46-68);

(c) access-control means coupled to intercept data access attempts made through said interceptable access mechanism, wherein the access-control means includes deny/approve means for testing the intercepted data access attempts and responsively denying or approving intelligible or other data access to the data of an identified subset of said files based on one or more of the identity of an access-attempting program, the time of the access attempt, the machine or location from which the access request originates and a user associated with the access request, and wherein the access-control means includes permissions control means for responding to permission rules associated with respective ones of identifiable subsets of said files (col. 4 lines 46-67, fig. 5); and

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(d) localizing means for transparently and temporarily localizing external files and respective external permission rules of such external files for use by said access-control means (abstract, col. 1 lines 5-10).

As for claim 2, Orita teaches a machine-implemented method for protecting access constrained information from unauthorized access by way of unauthorized users or unauthorized programs, said machine-implemented method comprising (abstract, col. 1 lines 5-10):

(a) in response to a navigation-based request, providing data of an identified one of two or more digital data files, where each of said files is identified in the navigation-based request by a file name, file handle, or equivalent and where each of said files is stored and retrievable remotely (figure 1: elements 10, 11, and 14, figure 3: element S11, col. 2 lines 53-62, col. 4 lines 46-68);

(b) intercepting data access attempts made through an interceptable access mechanism, wherein (col. 4 lines 46-68):

(b.1) the interceptable access mechanism is one through which data of an identified file of the data-providing means is accessed by identifiable, access-requesting programs and/or access requesting users (col. 4 lines 46-67, fig. 5);

(b.2) the interceptable access mechanism includes access control means includes deny/approve means for testing the intercepted data access attempts and responsively denying or approving intelligible or other data access to the data of an identified subset of said files based on one or more of the identity of an access attempting program, the time of the access attempt, the machine or location from which the access request originates and a user associated with the access request (col. 4 lines 46-67, fig. 5); and

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(b.3) the access-control means includes permissions control means for responding to permission rules associated with respective ones of identifiable subsets of said files; and said method further comprises (col. 4 lines 46-67, fig. 5); and

(c) in response to those of said navigation-based requests which request external files, transparently and temporarily localizing the external files and the respective external permission rules of such external files for use by said access-control means (abstract, col. 1 lines 5-10).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orita as applied to claim 2 above, and Rager 5,412,721.

As for claim 3, Orita teaches the machine-implemented protecting method of Claim 2, but not wherein: confidential information is kept essentially and consistently in encrypted format when the confidential information either resides within a remote file server or within easily removable media or when such confidential information is in transit along an untrusted (not-secure) communications link; said confidential information is exposed in plaintext form on an as needed and as-authorized basis, essentially only when said confidential information resides

within a local client that is conveniently viewable by one or more authorized users; said plaintext exposure is allowed to occur only after an authorized user validates his or her authorization to access the information at the local client. However Rager et al. does teach these features (abstract, Fig. 3B item 316) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of Orita. It would have been desirable to do so as described in the abstract of Rager so as to prevent access to the data in the event of power to the memory device being shut off.

***Allowable Subject Matter***

7. Claims 33-49 are allowed.

8. The following is a statement of the reasons for the indication of allowable subject matter:

The closest prior art in the field, Orita '147, does not teach the combination of features of the Applicant's claimed invention, particularly including:

As per claims 33 and 40; the second testing step of the Applicant wherein a determination is made as to whether access constraining control information is available in an internal and physically secure storage area, subsequently attempting to import the access constraining information if it is determined to be absent, and if the attempt to import reveals that the access constraining information is unavailable, determining if the access control information is necessary for an intercepted data-access request, or file closing request, to be completed normally, and blocking the access request if it is determined that the access constraining information is necessary.

As for claim 48; the intercept of a request to close a file, and a close-continuance means, responsive to an open-intercept means, for determining whether an intercepted file-close request is requesting the close of a file for which a close request is to be denied based on associated access constraining rules.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 1pm to 9pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the



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organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

7-6-06

*Paul Cullch*

*Gilberto Barron Jr.*  
GILBERTO BARRON JR.  
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